

**Bill 7, CD1**  
**Additional Testimony**

**Anthony Aalto**  
**3946 Lurline Drive • Honolulu, Hawai'i 96816**  
**808.234.9779**

Ann H. Kobayashi  
Interim Chair  
City Council  
City and County of Honolulu  
530 South King Street  
Honolulu, HI 96813

Dear Chair Kobayashi and Members of the City Council:

**In SUPPORT of Bill 7 (2019) CD1 Relating to Affordable Rental Housing**

I am writing as an individual but I cannot help but note that when I was Chair of the O'ahu Group of the Sierra Club, developers would often press us –I'm paraphrasing- 'We desperately need new affordable housing, but the cost of regulation is killing us. Why can't you guys back off and relax the rules?'

Our reply was always: 'We'd be happy to, for the right sort of housing in the right place.' Well this bill would encourage the right sort of housing in the right places and I urge you to support the version that would do most to stimulate that sector as outlined **by Mel Kaneshige's March 27<sup>th</sup> testimony which I have attached.**

This bill will encourage denser, affordable, transit-oriented development in urban areas which is where it is needed and where it belongs. The bill could lead to as many as 500 new units per year which could help supply as much as 20% of the demand for moderately priced housing in Honolulu over the next 20 years.

I spent two years making *No Room In Paradise*, a documentary about our homeless crisis and I experienced first-hand the desperate need for moderate-income rentals. To meet that need we should not let the perfect be the enemy of the good. So I hope the Council will endorse the idea of adapting the code a little from that used in 40-story towers.

**Anthony Aalto**

**Re: Bill 7 (CD1) 2019**

The new units as proposed in Mel Kaneshige's testimony will have fire rated walls, new electrical systems, new plumbing systems, and fire sprinklers. The insistence by DPP and the Fire Department on using the same code as for high-rises is excessive.

It believe is significant that the effort to pass this bill has been led by Marshall Hung, the retired developer of workforce housing projects like 801 South Street. Mr Hung has brought his lifetime of expertise to bear in formulating the framework for this bill, to ensure the strongest possible response from property owners. He is not doing this for his own benefit, he is retired. He's trying to find the formula that will best stimulate property owners in this sector.

I urge you to follow the recommendations he and Mel Kaneshige have made.

Mahalo

Anthony Aalto



April 17, 2019

Honorable Ann Kobayashi, Chair  
Honolulu City Council  
City Council Chambers  
Honolulu Hale  
Honolulu, Hawaii 96813-3077

RE: Bill No. 7, Relating to Affordable Rental Housing.

Honorable Ann Kobayashi, and members of the Council:

My name is Gladys Quinto Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is in strong support of Bill No. 7 CD 1, which proposes to create a temporary program to accelerate the construction of affordable rental housing on apartment- and business mixed use-zoned properties by relaxing zoning and building code standards, and offering financial incentives.

Numerous government studies have found that in the State of Hawaii, the supply of housing has not and will not keep pace with demand over the next several years. This overall lack of supply of housing is the reason why the median housing price on Oahu is now approximately \$800,000. It is also part of the reason why we have a proliferation of "multi-generational housing", as well as the dreaded "monster houses."

We encourage the Council to explore new ways to incentivize development of more housing at all price points. Reducing regulatory barriers is one way to incentivize more housing development. The National Association of Home Builders found that in 2018, approximately 30% of the price of a new residential unit is attributed to compliance with government imposed exactions, regulations and codes. Relaxing zoning and building code standards while not compromising public health and safety will address the underlying issue of housing affordability.

We are in strong support of Bill No. 7 CD 1, as it is a step in the right direction. We appreciate the opportunity to provide comments on this matter.



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**Testimony by Suzanne Young, CEO**  
**Honolulu Board of Realtors®**

**In Support of Bill 7 - Relating to affordable rental housing.**  
**Honolulu City Council**  
**Wednesday, April 17, 2019**  
**Honolulu Hale**

**Aloha Chair Kobayashi and City Council Members,**

The Honolulu Board of REALTORS (HBR) supports Bill 7 relating to affordable rental housing. The bill would establish a temporary program to accelerate the construction of affordable rental housing in the apartment and business mixed use zoning districts by relaxing certain zoning and building code standards and offering certain financial incentives.

Bill 7 is not a "cure all" for the current affordable housing crisis facing Oahu, but it provides one housing solution for a segment of the market that specifically addresses inventory and its affordability. The bill attempts to lessen zoning regulations and codes, waive Department of Planning and Permitting (DPP) fees, reduce real property taxes to incentivize owners to rebuild, build apartments in zoned apartment areas that house forty to sixty-year old walk-ups that are two and three story situated on smaller parcels of land, and in desperate need of redevelopment. This ability to increase the number of available units can also serve as a possible solution to the proliferation of "monster homes" in residential communities.

HBR supports the concept to reduce government regulation, let the market shape the rental rate and allow developers to build a product that meets the needs of struggling low income families. We continue to look forward to working with city leaders to address the affordability and availability of housing on Oahu.

**Mahalo for the opportunity to testify on Bill 7.**

April 16, 2019

Via email to [info@honolulu.gov](mailto:info@honolulu.gov)

Councilmember Ann H. Kobayashi  
Interim Chair and Presiding Officer  
City Council  
City and County of Honolulu  
530 South King Street  
Honolulu, HI 96813

Re: Bill 7 (2019), CD1 Relating to Affordable Rental Housing

Chair Kobayashi and Members of the City Council,

My name is Mel Kaneshige. I am a retired Honolulu resident who is concerned about Hawaii's housing crisis.

I am submitting testimony generally in favor of the proposed Bill 7 (2019), CD1 with some requested amendments.

My requested amendments are as follows:

1. Delete Requirement of Declaration of Restrictive Covenants. The Bill requires that a Declaration of Restrictive Covenants be signed and recorded against the title of the affected property. This requirement is not only unnecessary and regulatory overkill but will also scare away potential development by owners who do not want to deal with burdensome governmental paperwork. All that needs to be required is an initial, then annual certification signed by the landowner that all the provisions of the bill are being complied with. This is exactly the same process that is required by the City in granting homeowners' exemptions from real property taxes. No Declaration of Restrictive Covenants is required for that exemption even though the total amount of the real property taxes exempted there is many multiples of what this Bill would grant as incentives. [See Sec. \_\_-1.1 Definitions on page 4; Sec. \_\_-1.4 Recordation of declaration of restrictive covenants on page 5; Sec. 8-10.\_\_(a), (b)(4), (d), (g) Exemption – Qualifying affordable rental dwelling units or affordable rental housing units on pages 20 to 23; Sec. 8-10.\_\_(f) Exemption during construction

Councilmember Ann H. Kobayashi

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work for and marketing of affordable dwelling units or affordable rental housing projects on page 26.]

2. Delete Requirement of Maximum Rental Amounts. The central premise of this Bill is to provide incentives for the private sector to develop underutilized land to increase the supply of badly needed rental housing on Oahu. The only restriction is that the units must be rented to tenants who are at 100% AMI or less. This premise was extensively discussed with the City administration and agreed upon by the City administration – there would be no cap on rents. Rental rates will be set by the landlords depending on the location of the units and their desirability. Units in Waikiki will likely rent for more than units in Wahiawa and units on bus lines will likely rent for more than units without convenient access to public transportation. Given the density and restricted sizes of the units as required by the Bill, the market itself will regulate the rents. There is no need for an artificial cap to be imposed as required by language stipulating that rents need to be set “at prices affordable to such households pursuant to Chapter B.” [See, Sec. 14-10.\_\_(a)(4) on page 19; Sec. 18-6.5(i) on page 19; Section 22.73(j)(4) on page 19; Sec. 8-10.\_\_(b)(4) on page 20; Sec. 8-10.\_\_(a)(4), (c) on page 25.]

3. Condominium Property Regime (CPR) Form of Ownership Should be Permitted in All Districts.

a. A condominium property regime of CPR is merely a form of subdivision of real estate. It is three-dimensional, instead of the typical two-dimensional land subdivision. It is used for the same reason that land subdivisions are used – to divide the ownership of land. While a land subdivision results in lots, CPRs result in apartment units, both of which (lots and apartment units) can be owned separately. This is the key characteristic to a CPR and why it is important to this Bill.

b. This Bill is aimed primarily at small lots of 20,000 square feet or less. DPP has estimated that there are 6,175 parcels of land that are 20,000 square feet or less in apartment zoned districts. Of these 6,175 lots, more than one-half are 5,000 square foot or less. See DPP’s charts attached. Given these numbers, it

Councilmember Ann H. Kobayashi

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is clear that the target market of this Bill is small owners who own small lots. This Bill is not aimed at big developers with big lots with big plans for big buildings. This Bill is aimed at small landowners (likely generational families) with small lots with small plans for small buildings. It aims to convert presently underutilized properties to badly needed affordable rental housing.

c. Given this background, CPRs can provide a way for small family owners to develop family-owned lands and then hold ownership separately from each other. It will enable four siblings to each own a separate floor of a four-story affordable rental housing building and borrow money separately to finance the college educations of their kids or help with down payments on homes for their kids. In short, it will provide flexibility and encourage families to go ahead with a redevelopment of their underdeveloped properties, remembering that the tenants must be 100% AMI or less restricted.

d. Accordingly, the restriction in Sec. \_\_-1.3 on page 5 against CPRs in TOD zones should be deleted.

4. Affordable Rental Housing Should be Allowed in Business and School Zoned Districts. Section \_\_-2.2 Permitted Uses on page 6 should be amended to permit affordable rental housing to be built in Business zoned districts as well as all other zoning districts in which public elementary, middle, and high schools are permitted. E commerce is changing the retail landscape and owners with business zoned lands that cannot find retail tenants should be permitted to build affordable rental housing instead. The need for affordable rentals is critical and building more affordable rentals should be encouraged where there is underutilized land. Public schools are having a difficult time recruiting and retaining teachers in large part because of their inability to find affordable housing. Permitting the DOE to use their underutilized school lands for affordable rentals is a big boost for public education. The State DOE has submitted testimony in favor of this provision.

Councilmember Ann H. Kobayashi



April 16, 2019

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5. The Penalty Section Must be Amended. Section \_\_\_-1.6 Violation – Penalty on page 5 specifies a draconian civil fine of “10 times the amount of the real property tax assessed for the years of noncompliance”. The amount of this civil fine is clearly excessive for what could be an inadvertent violation of the rules governing affordable rental housing and, accordingly, may not be enforceable. The Bill already provides for paybacks of incentives, with interest, in the event of violations and these should be enough to deter violators.

6. The Number of Off-Street Loading Spaces Should be Left to the Owner. The development standards table in Section \_\_\_-2.3 on page 7 contains a requirement for a minimum of one off-street loading space to accommodate garbage pickup and garbage bin storage. The number of off-street loading spaces should be up to the owner to decide in the same way that the owner will decide on the number of parking stalls, if any, to provide. The owner needs to gauge the market and his ability to rent (or not) his apartments with or without parking and loading spaces.

7. Fire Exit Stairway Requirement of Buildings of 35 Units or Less. Section \_\_\_-3.2(f)(3) on page 18, provides that buildings that are less than three stories in height with 35 or fewer units may have one fire exit stairwell that is a minimum of 36 inches (instead of 48 inches) wide. After discussions with DPP and the Honolulu Fire Department, we agree that the width of this single stairway should be 48 inches (instead of 36 inches) but without the limitation of three stories or less or the requirement that the stairwell exit to both the ground floor and the roof with a railed-off waiting area on the rooftop.

Thank you for this opportunity to testify. I am happy to answer any questions.



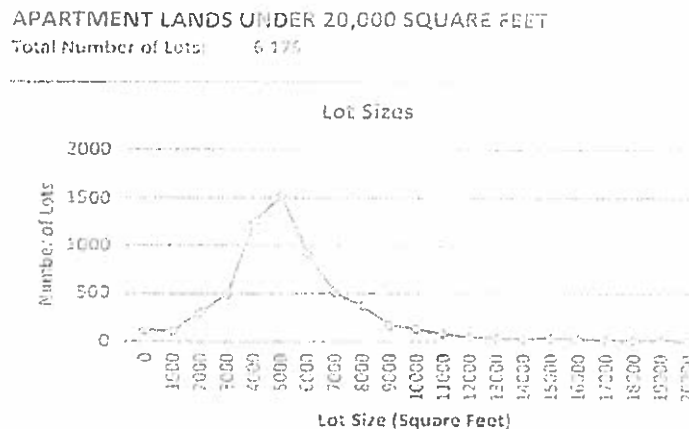
Mel Kaneshige

ATTACHMENT TO TESTIMONY OF MEL KANESHIGE TO CITY COUNCIL, APRIL 16, 2019

## Department of Planning and Permitting's Estimate of Potential Additional Units Possible Under Walkup Rental Apartment Bill

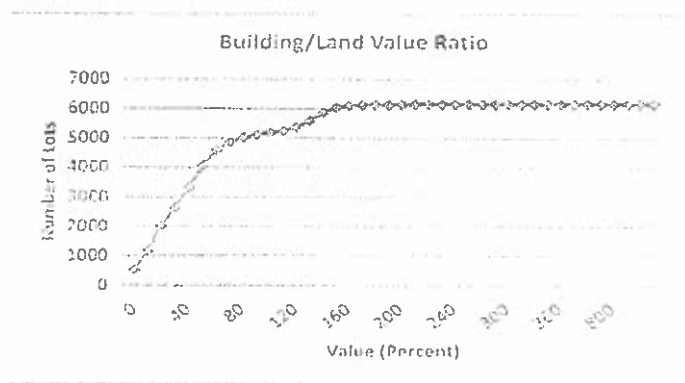
DPP did a quick study of the possible impact of the Walkup Rental Apartment bill and found the following:

1. 6,175 Apartment-Zoned Parcels of 20,000 sf and Less. In the Apartment-zoned lands on Oahu, there are 6,175 parcels of 20,000 sf or less. More than ½ of the 6,175 parcels are 5,000 sf or less in size.



2. Parcels Susceptible for Redevelopment. DPP then looked at only those lots that were a minimum of 5,000 sf in size to a maximum of 20,000 sf. Using this parameter, DPP found that there are 3,204 Apartment-zoned parcels.
  - a. DPP then estimated which of these 3,204 parcels are susceptible for redevelopment. DPP's methodology was to compare the assessed valuation of improvements on a parcel with the assessed valuation of the land. DPP used two benchmarks – improvements with a valuation of (a) 30% or less of the land and (b) 10% or less of the land.
  - b. DPP found that there are 1,382 parcels with improvements that are valued at 30% or less than the land and 536 parcels with improvements that are valued at 10% or less than the land.

## ATTACHMENT TO TESTIMONY OF MEL KANESHIGE TO CITY COUNCIL, APRIL 16, 2019



3. At Least 14,000 to 21,000 Additional Units Possible. DPP then calculated that the proposed bill could result in 14,073 to 21,084 additional units using the 30% valuation of improvements v. land. DPP's assumptions included (a) lots between 5,000 sf and 20,000 sf, (b) height limits of three and four stories (resulting in the difference between the 14,703 additional units and the 21,084 additional units), (c) 4.0 FAR, (d) 20% minimum common area, and (e) 800 sf average unit size. DPP did not include Apartment Mixed Use zoned lands, Business zoned lands, or Business Mixed Use zoned lands nor lands zoned for schools with excess lands that could be used for this purpose. In other words, the potential for additional units is much greater than the 14,000 to 21,000 units calculated for just the Apartment zoned lands.

## APARTMENT LANDS 5,000 - 20,000 SQUARE FEET

Total Number of Lots: 3,254

	Building/Land Value Less Than Or Equal To		Approximate Density (units/acre)
	30%	40%	
Total Number of Lots	1,387	536	
<b>FOUR FLOORS MAXIMUM:</b>			
Possible Housing Units*	28,044	11,448	
Existing Housing Units	6,960	1,586	100-149
Addition to Housing Stock	21,084	9,862	
<b>THREE FLOORS MAXIMUM:</b>			
Possible Housing Units*	21,033	8,601	70-121
Existing Housing Units	6,960	1,586	
Addition to Housing Stock	14,073	7,015	



April 17, 2019

Ann H. Kobayashi  
Interim Chair  
City Council  
City & County of Honolulu

**RE: Bill 7, CD1 (2019) Relating to Affordable Rental Housing**

Aloha Chair Kobayashi and members of the City Council,

Thank you for allowing NAIOP Hawaii to submit testimony in **SUPPORT** of Bill 7, CD1. NAIOP Hawaii is the Hawaii chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

Bill 7, CD1 seeks to amend the Land Use Ordinance to incentivize development in the apartment mixed use and business mixed use districts to increase the number of affordable rental housing units. NAIOP Hawaii strenuously supports the Bill's intention to improve the opportunities to bring more affordable housing to Oahu. We believe Bill 7, CD1 can result in the re-development of under-utilized and functionally obsolete properties by significantly reducing the feasibility gap between costs and net rental income. To be maximally effective, we urge the City Council to pass Bill 7, CD1 with the recommendations as set forth by Mel Kaneshige's testimony (attached).

Affordable housing is severely needed on Oahu and NAIOP Hawaii believes Bill 7, CD1 is a step in the right direction for producing more affordable rentals and addressing this critical issue.

Mahalo for your consideration,

Scott Settle, Director  
NAIOP Hawaii

Attachment

March 27, 2019

Via email to [REDACTED]

Councilmember Kymberly Marcos Pine  
Chair, Zoning and Housing Committee  
City & County of Honolulu  
530 South King Street  
Honolulu, Hawaii 96813

Re: Bill 7 (2019) Relating to Affordable Rental Housing  
Proposed CD 1 to Bill 7 (2019)

Chair Pine and Members of the Zoning and Housing Committee,

My name is Mel Kaneshige. I am a retired Honolulu resident who is concerned about Hawaii's housing crisis.

I am submitting additional testimony regarding the proposed CD1 to Bill 7 that was posted in the Agenda Addendum by your committee today.

My specific comments to the changes proposed by CD1 are below, using the same lettering system as shown in the Agenda Addendum, Item 8. If a lettered change is not referred to, I have no comment on the change.

B. Clarifies the definitions of . . . "declaration of restrictive covenants".

Comment: The requirement of a declaration of restrictive covenant is unnecessary for enforcement. Indeed, the very next section (5) calls for a certification to be filed by the landowner affirming compliance with the Bill's requirements. This is a case of "belt and suspenders" and can scare owners off from starting these badly needed projects. Remember that these are not sophisticated developers but owners who have not done anything with their underdeveloped properties for years. We need to encourage them to do this not to scare them off with unnecessary paperwork.

- D. In renumbered Section \_\_\_-1.3, limits the prohibition on CPRs to affordable rental housing projects located in TOD special districts.

Comment: I am opposed to this since CPRs should be permitted in all districts in which affordable rental housing is allowed. CPRs are a legal tool to separate title of a lot among different owners and can be particularly helpful when a family wants to develop an affordable rental housing project on family lands and wants to divide up the ownership among the family members. This can also be helpful to allow family members to separately obtain loans for each family member because of the differing needs of each family member. For example, one family member may need to borrow to send a child to college or to help with medical emergencies. Having separate legal title through a CPR would enable family members to accomplish this. Remember that, notwithstanding a CPR, the units must be rented to 100% AMI or less tenants.

- E. Adds a new Section \_\_\_-1.4, to require the recordation of a declaration of restrictive covenants.

Comment: This is not necessary; a simple certification is all that is necessary. When a property owner wants a homeowner exemption for real property taxes, he files a simple certification, not a declaration of restrictive covenants. This requirement is overkill.

- G. In renumbered Section \_\_\_-1.6, clarifies that the penalty provisions under that section apply to violations under Articles 2 and 3, and combines the penalty provisions in subsection (d) with the violation provisions in subsection (a).

Comment: I'm not sure that the penalty assessed here is meant to be "10 times the amount of the real property tax assessed". If it is, it is draconian and is inconsistent with what the City proposes for real property taxes in Section 8-10.\_\_(i)(3) on page 24 of CD1 which is the difference in the real

property taxes otherwise owed plus interest at 10% per annum. I believe the latter is what the City really means to impose as a penalty.

- H. In Section \_\_-2.2, deletes the prohibition against affordable rental housing projects in TOD special districts

Comment: I agree with the deletion of the prohibition against affordable rental housing projects in TOD special districts. However, this section should be amended to permit affordable rental housing to be built in business zoning districts as well as all other zoning districts in which public elementary, middle, and high schools are permitted. E commerce is changing the retail landscape and owners with business zoned lands that cannot find retail tenants should be permitted to built affordable rental housing instead. Public schools are having a difficult time recruiting and retaining teachers in large part because of their inability to find affordable housing. Permitting the DOE to use their underutilized school lands for affordable rentals is a big boost for public education. The State DOE has submitted testimony in favor of this provision.

- I. In development standard table in Section \_\_-2.3, under minimum front yard, provides for a 10-foot minimum front yard except in TOD special districts if no front yard is required and at least two-thirds of the total length of the building along the street frontage is dedicated to residential or commercial use.

Comment: This same table contains a requirement for a minimum of one off-street loading space to accommodate garbage pickup and garbage bin storage. I believe this should be up to the owner to decide in the same way that the owner will decide on the number of parking stalls, if any, to provide. The owner needs to gauge the market and his ability to rent (or not) his apartments with or without parking and loading spaces.

Councilmember Kymberly Marcos Pine

March 27, 2019

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- N. In Section \_\_-3.2(f)(3), provides that buildings that are less than three stories in height with 35 or fewer units may have one fire exit stairwell that is a minimum of 36 inches (instead of 48 inches) wide. Also requires that the stairwell exit to both the ground floor and the roof; and requires with a standard-sized door at the rooftop exit, and a railed-off waiting area on the rooftop.

Comment: Please delete height restriction. This should apply to building with 35 or fewer units.

- P. In SECTION 3 (waiver of wastewater facility charges), SECTION 4 (waiver of plan review and building permit fees), and SECTION 5 (waiver of park dedication requirements) of the Bill, clarifies that the incentives apply to affordable rental housing units that are rented to households earning 100 percent or below of the AMI at prices affordable to such households.

Comment: Please delete language re "at prices affordable to such households pursuant to Chapter B." The owners should determine what rents to charge to tenants. The size limits as well as the limited AMI restriction will necessarily keep the rents down.

- Q. In renumbered SECTIONS 6 (real property tax exemption) and 7 (real property tax holiday) of the Bill, amends existing ROH sections (instead of creating new sections to specifically regulate affordable rental housing projects).

Comment: Please delete the references to a declaration of restrictive covenants for the reasons stated in paragraphs B and E above. Please also delete references to "at prices affordable to such households pursuant to Chapter B" for the reasons stated in paragraph P above.

Thank you for this opportunity to testify. I am happy to answer any questions.

Mel Kaneshige





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**From:** CLK Council Info  
**Sent:** Wednesday, April 17, 2019 10:46 AM  
**Subject:** Council/Public Hearing Speaker Registration/Testimony  
**Attachments:** 20190417104600\_Bill7CD1\_Affordable\_Housing\_2019-04-17\_NAIOP.pdf

## Speaker Registration/Testimony

Name	Scott Settle
Phone	808-534-4435
Email	ssettle@settlemyerlaw.com
Meeting Date	04-17-2019
Council/PH Committee	Council
Agenda Item	Bill 7, CD1
Your position on the matter	Support
Representing	Organization
Organization	NAIOP Hawaii
Do you wish to speak at the hearing?	No
Written Testimony	
Testimony Attachment	20190417104600_Bill7CD1_Affordable_Housing_2019-04-17_NAIOP.pdf
Accept Terms and Agreement	1

# NAIOP

COMMERCIAL REAL ESTATE  
DEVELOPMENT ASSOCIATION  
HAWAII CHAPTER

April 17, 2019

Ann H. Kobayashi  
Interim Chair  
City Council  
City & County of Honolulu

**RE: Bill 7, CD1 (2019) Relating to Affordable Rental Housing**

Aloha Chair Kobayashi and members of the City Council,

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Mahalo for your consideration,

Scott Settle, Director  
NAIOP Hawaii

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March 27, 2019

Via email to 

Councilmember Kymberly Marcos Pine  
Chair, Zoning and Housing Committee  
City & County of Honolulu  
530 South King Street  
Honolulu, Hawaii 96813

Re: Bill 7 (2019) Relating to Affordable Rental Housing  
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Comment: I am opposed to this since CPRs should be permitted in all districts in which affordable rental housing is allowed. CPRs are a legal tool to separate title of a lot among different owners and can be particularly helpful when a family wants to develop an affordable rental housing project on family lands and wants to divide up the ownership among the family members. This can also be helpful to allow family members to separately obtain loans for each family member because of the differing needs of each family member. For example, one family member may need to borrow to send a child to college or to help with medical emergencies. Having separate legal title through a CPR would enable family members to accomplish this. Remember that, notwithstanding a CPR, the units must be rented to 100% AMI or less tenants.

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property taxes otherwise owed plus interest at 10% per annum. I believe the latter is what the City really means to impose as a penalty.

- H. In Section \_\_-2.2, deletes the prohibition against affordable rental housing projects in TOD special districts

Comment: I agree with the deletion of the prohibition against affordable rental housing projects in TOD special districts. However, this section should be amended to permit affordable rental housing to be built in business zoning districts as well as all other zoning districts in which public elementary, middle, and high schools are permitted. E commerce is changing the retail landscape and owners with business zoned lands that cannot find retail tenants should be permitted to built affordable rental housing instead. Public schools are having a difficult time recruiting and retaining teachers in large part because of their inability to find affordable housing. Permitting the DOE to use their underutilized school lands for affordable rentals is a big boost for public education. The State DOE has submitted testimony in favor of this provision.

- I. In development standard table in Section \_\_-2.3, under minimum front yard, provides for a 10-foot minimum front yard except in TOD special districts if no front yard is required and at least two-thirds of the total length of the building along the street frontage is dedicated to residential or commercial use.

Comment: This same table contains a requirement for a minimum of one off-street loading space to accommodate garbage pickup and garbage bin storage. I believe this should be up to the owner to decide in the same way that the owner will decide on the number if parking stalls, if any, to provide. The owner needs to gauge the market and his ability to rent (or not) his apartments with or without parking and loading spaces.

- N. In Section \_\_\_-3.2(f)(3), provides that buildings that are less than three stories in height with 35 or fewer units may have one fire exit stairwell that is a minimum of 36 inches (instead of 48 inches) wide. Also requires that the stairwell exit to both the ground floor and the roof; and requires with a standard-sized door at the rooftop exit, and a railed-off waiting area on the rooftop.

Comment: Please delete height restriction. This should apply to building with 35 or fewer units.

- P. In SECTION 3 (waiver of wastewater facility charges), SECTION 4 (waiver of plan review and building permit fees), and SECTION 5 (waiver of park dedication requirements) of the Bill, clarifies that the incentives apply to affordable rental housing units that are rented to households earning 100 percent or below of the AMI at prices affordable to such households.

Comment: Please delete language re "at prices affordable to such households pursuant to Chapter B." The owners should determine what rents to charge to tenants. The size limits as well as the limited AMI restriction will necessarily keep the rents down.

- Q. In renumbered SECTIONS 6 (real property tax exemption) and 7 (real property tax holiday) of the Bill, amends existing ROH sections (instead of creating new sections to specifically regulate affordable rental housing projects).

Comment: Please delete the references to a declaration of restrictive covenants for the reasons stated in paragraphs B and E above. Please also delete references to "at prices affordable to such households pursuant to Chapter B" for the reasons stated in paragraph P above.

Thank you for this opportunity to testify. I am happy to answer any questions.

Mel Kaneshige





## DISABILITY AND COMMUNICATION ACCESS BOARD

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April 17, 2019

The Honorable Ann Kobayashi, Chair  
and Councilmembers  
Honolulu City Council  
530 South King Street  
Room 203  
Honolulu, HI 96813

Regarding: City and County of Honolulu, City Council Bill 6 (2019) and Bill 7 (2019)

Dear Chair Kobayashi,

The Disability and Communication Access Board (DCAB) would like to thank you for the opportunity to provide testimony regarding Bill 6 (2019) and Bill 7 (2109). The purpose of this testimony is to ensure that the proposed changes will not negatively impact opportunities for persons with disabilities.

Our review of Bill 6 Section 5 Chapter 21, Article 5 and Bill 7 Article 2, Section 2.70 will allow residential structures up to 6 stories high to be built without elevators. All multifamily housing projects are required to comply with applicable Fair Housing Act (FHA) and Americans with Disabilities Act (ADA) requirements. While DCAB supports the intent to provide incentives to create more affordable housing, we would oppose a change to increase the height limit for multifamily housing developments without elevators. While the development of low-rise multifamily housing without elevators will create more affordable housing options, persons with disabilities will not be able to access a majority of those units. This provision will create a smaller ratio of units that are available for persons with disabilities. The population of Hawaii is aging which will increase the number is persons with disabilities. DCAB would support a proposal that created more affordable housing if it also addressed the need for more accessible housing options.

The above reflects DCAB's advice and recommendations for the City and County of Honolulu's Bill 6 (2019) and Bill 7 (2019).

Should you have any further questions, please feel free to contact Duane Buote, Facility Access Coordinator at (808) 586-8121.

Sincerely,

FRANCINE WAI  
Executive Director